

ZONING BOARD OF APPEALS TOWN OF CANADICE

Canadice Town Hall

September 13, 2017

Present: Linda Moorhouse, Chairperson
Diane Horning
Ed Bott
Marty Gascon
Steve Smith, CEO

Guest: John Scheele
David VanBlarcom

PUBLIC HEARING – SCHEELE

Chairperson, Linda Moorhouse called the meeting to order at 7:30 p.m.
Chairperson, Linda Moorhouse introduced the Zoning Board of Appeals members and stated that a quorum was present to hear the application. The criteria, which the Zoning Board of Appeals uses to make decisions regarding an area variance, were reviewed.

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance.
- Whether the requested area variance is substantial.
- Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- Whether the alleged difficulty was self-created, in which consideration shall be relevant to the decision to the Board of Appeals but shall not necessarily preclude the granting of the area variance.

Chairperson, Linda Moorhouse then read permitted action for the Zoning Board of Appeals.

L. Moorhouse – Steve, can you tell us what it is that Mr. Scheele is looking for?

S. Smith – The set-back from the county road is 50 ft. and he only has 14 ft.

L. Moorhouse – Is there anything else that you wanted to add to this, John?

J. Scheele – No.

L. Moorhouse – Does anyone have any more questions?

E. Bott – Made a motion to accept the application as it stands, seconded by M. Gascon, all in

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favor.

Roll Call Vote to accept or deny:

L. Moorhouse, **YES**, D. Horning **YES**, E. Bott, **YES**, M. Gascon, **YES**.

L. Moorhouse – 1. No, 2. No, 3. No, 4. No, 5. Yes – **YES**

D. Horning – 1. No, 2. No, 3. No, 4. No, 5. Yes – **YES**

E. Bott – 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

M. Gascon – 1. No, 2. No, 3. No, 4. No, 5. Yes – **YES**

L. Moorhouse – Your request for a variance has been granted. Good Luck!

Public Hearing concluded at 7:40 p.m.

Preliminary Hearing – VanBlarcom

L. Moorhouse invited Mr. VanBlarkam to come and sit before the board.

L. Moorhouse – I understand that you are having a problem with the septic?

D. VanBlarcom – Yes.

L. Moorhouse – Ok, you are suppose too have 80ft. from the property line and you only have how many?

D. VanBlarcom – I am asking for a variance of 35ft. on the north side and 46ft. on the east side of the property.

The Board Members reviewed the map with Mr. VanBlarcom. Mr. VanBlarcom explained where the proposed septic and leach fields would have to be positioned with regards to the existing well. Per the engineer that was hired.

E. Bott – You say the areas aren't big enough to cover what you need, but, if this septic was put over here, you would be able to meet the one set-back for sure and you might be a little short on the other set-back. You might even be able to meet both of them.

D. VanBlarcom – I would not need it from the north side, I would definitely need it from the east side. If I were to put it there, I would run into problems with the grade of the land and would have to install some kind of electrical pumping system.

The Board Members discussed the map with Mr. VanBlarcom regarding the grade.

E. Bott – Ok, from your house to the requested area is downhill, correct?

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D. VanBlarcom – Yes, that’s correct. There are actually 2 septic systems and it needs to be downhill from that. The engineer led me to believe that this space was not big enough to do it and I would need a variance. Also, that the amount on downhill slope wasn’t enough for the larger part of this would not be sufficient.

L. Moorhouse – So, what we are talking about, is putting in another tank, or leach lines only?

D. VanBlarcom – Just leach lines.

E. Bott – This is going to be a raised bed, correct?

D. VanBlarcom – Yes, as I understand it, it has to be because of the soil.

E. Bott – Our role is to try to mitigate the amount of variance. The distances and the percent of change is one of the things we have talked about and the request being substantial. So, if you were at 60ft. out of 80, that’s a lot better than being 30 plus feet. You are looking for more than half with the variance. That is a considerable amount you are asking for. I don’t want you to come in here and get turned down, then you won’t be able to do anything for a year. I can’t tell you how to do this. I can tell you that I am not comfortable with it being that close to the property line. The variance is for the property, so if neighbors change, that could be an issue down the road.

L. Moorhouse – Ok, so what we are looking at is you need 80ft. on the north side and you only have 35ft., right, and we need 80ft. on the east and you only have 45ft. Is there anything in the back.

D. VanBlarcom – The only thing that impacts the back is where the well is located.

The Board Members reviewed the Town map with Mr. VanBlarcom. There was discussion about the length of the leach lines, the scales on the map and where the proposed septic would be located and what other options Mr. VanBlarcom might have.

L. Moorhouse – Ok, you need to get more information from your engineer on the possibility of moving the proposed leach lines farther south.

D. Horning – Up into the shaded area on the map.

L. Moorhouse – You would still be looking at one variance.

E. Bott – If you could pull it back a little.

S. Smith – Then it would be too close to the well.

L. Moorhouse – Could you turn it, so the leach lines are going in a different area.

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L. Moorhouse – Could it be turned?

E. Bott – Yeah, if it was turned and moved up hill. I understand that you have to maintain a grade.

D. VanBlarcom – It is my understanding that the leach fields should run with the grade line. That's why it is positioned where it's at.

L. Moorhouse – Talk to your engineer about re-positioning the leach field and see what we can come up with. If we could get that information in time, we could schedule the Public Hearing for next month. Ok, #1. We need the distances, whether they are 2ft. or 10ft., #2., If the engineer will move the location of the leach fields.

E. Bott – If you can move that at least 15-20ft. to the south, it would be much better. That would get you over half way to your variance and probably more.

The Board Members decided not to accept the application and table it until October 11, 2017. At which time they will review the changes, if any, and accept or deny the application and proceed with the Public Hearing.

L. Moorhouse – We will have a Public Hearing on Wednesday, October 11, 2017 at 7:30 p.m.. Steve will put signs up the week before.

Preliminary Hearing concluded at 8:15 p.m.

Old Business

L. Moorhouse made a motion to approve the minutes from the September 13, 2017 meeting seconded by M. Gascon, all in favor.

L. Moorhouse made a motion to adjourn the meeting, seconded by M. Gascon, all in favor and adjourned at 8:30 p.m.

Respectfully,

Stephanie Seeley, Secretary